



March 14, 2018

Regarding: **Opposition to HB 5447:** AAC Act Implementing the Recommendations of the Auditors of Public Accounts Concerning Private Providers of Special Education

Dear Representative Fleishmann, Senator Slossberg, Senator Boucher and Members of the Education Committee:

I am writing today on behalf of the over 700 Board Certified Behavior Analysts and the families we serve. HB 5447 will take the "I" out of the IEP process, limiting options for children, and limiting the ability of private providers to provide good quality programming for children with special needs throughout our state. It is simply not possible that this bill will not severely curtail the ability of private providers to train and maintain staff and run their businesses in a way that will enable them to continue to offer viable options for some of our states most difficult to educate students.

The wording of this bill is inclusive of of related service providers and includes essentially every outside consultant including but not limited to professionals such as OTs, PTS, SLPS, Behavior Analysts, and Psychologists that can be included on children's IEPs; which will also negatively impact the quality and provision of related services. Many related service providers travel around the state to consult to school districts, which can be both time consuming and expensive. This bill may make it impossible for these necessary pieces of the IEP puzzle to continue to provide services across a wide geographic area; and will reduce the options for many children throughout the state, particularly those in less populated areas.

Obviously, the state would not create a funding network that keeps the funding as it is or increases it. The result of this proposed bill will be a reduction in funds designed by those who do not have intimate knowledge of how each of these private programs design and implement services. We cannot expect that private providers can continue to implement IEP's with integrity and rigor when they cannot fully fund the human resources required to do so.

While we have great confidence that the Commissioner of Education can oversee the provision of public school programs very well, the private provider network is not designed like a public school and face unique challenges including but not limited to extended school years, longer school days, higher staff to student ratios, the need for professionals possessing singular expertise, and administrative supervision and reporting requirements already placed on these programs by the state. In addition, the children in the care of private providers are generally the most challenged and challenging to educate or school districts would not be looking to place them in an out of district placement in the first place. Private providers are not one-size-fits-all programs and one-size-fits-all funding will not facilitate a continuation of good programming.

The likely outcome of this proposed legislation is that the quality of these programs will be negatively impacted; staff training will decrease while staff turnover increases, our more difficult and fragile learners will not get placements because providers simply will no longer be able to adequately address their needs; and private providers will either go out of business or reduce program options in an attempt to keep their doors open. They will fall financially further and further behind every year. This is exactly what is happening to programs funded by DDS. It is almost impossible for private providers reliant on DDS funding to provide decent programming, programs are closing or limiting the people they accept while they struggle to keep up with the administrative hoops they have to jump through. And, it is entirely possible that the long term impact will be that the children who no longer can access an appropriate out of district placement will ultimately cost the state far more money in both the short and long term if they cannot access a program that is individually crafted to meet their special education needs.

School districts always have the option to provide a program for these students themselves rather than placing in a child with a private provider. They also can elect not to utilize a specific provider if they feel that they are too expensive or not reasonably designed for their student. There are now 72 approved private school programs as well as hundreds if not thousands of related service providers. There are market pressures on the programs and providers that naturally help keep the costs down without the state dictating an arbitrary funding formula.

This bill only limits funding for private providers, which is the smallest segment of the states special educations costs. The cost of operating public school special education programs, or those provided by the RESCs would not be impacted – nor should they be. The state is well aware that the cost for districts vary throughout the state for a variety of reasons, yet private providers would have to compete with them for employees without the financial resources to adequately do so.

Additionally, most (but not all) private programs are nonprofits who already have an annual independent audit which should ensure that these programs are operating with financial integrity and in compliance with good accounting practices and state laws.

This bill is horrible for our children with special education needs. Please do not move this bill forward.

Yours truly,

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